राष्ट्रीय प्रश्न हैं। यह कोई दल से जुड़ा हुआ सवाल नहीं है । मैं समझता हूं कि इस सदन में और सदन के बाहर भी देश में ऐसा वातारण होना चाहिए कि हम आत्म-विश्वास के साथ यह लड़ाई लड़ेगे और युद्व तो हम जीतते हैं, मगर हम शांति भी जीतेंगे, यह हमारा विश्वास होना चाहिए ।

श्री सभापतिः बहुत-बहुत धन्यवाद, प्रधान मंत्री जी। आपके अच्छे भाषण के उपलक्ष्य में आज राज्य सभा में लंच ऑवर नहीं होगा। संतोष बागड़ोदिया जी। अब आप शुरु करिए, दो मिनट मे ही पूरा कर लें।

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श्री संतोष बागड़ोदियाः मान्यवर ,मैं जल्दी से बोलता हूं । यह ओपन एक्सेस का जो क्लाज़ 42 है, उसमें आप एक वर्ष, दो वर्ष, तीन वर्ष मत लगाइये, आज ही पूरा खोल दीजिए, जिससे कि पांच वर्ष में कुछ हो जाए । नहीं तो पाचं वर्ष बाद खोलेंगे तो होगा कैसे । और जो कंज्यूमर का ड्राकोनियन लॉ है , मैं जल्दी से पढ़ कर सुना देता हूं । क्लाज़ नं 126(6) में आपने लिखा हैः

> "for the purposes other than for which the usage of electricity was authorised".

अब यह अथोराइज्ड है या नहीं, यह कौन डिसाइड करेगा? मंत्री जी, आप कृपया क्लाज-135(2) को पढ़िए, लिखा है कि कोई भी इंस्पैक्टर "he can inter-inspect, break open and search any place or premises, in which he has reason to believe that electricity has been, is being, or, is likely to be used unauthorisedly." अब इस को कौन तय करेगा, इस की तरफ ध्यान दीजिए । महोदय, लास्ट पॉइट यह कि क्लाज नंबर 96, 135- को आप खत्म कर दीजिए । इस के अतिरिक्त क्लाज 139 और 140 बहुत जबर्दस्त हैं, इन को आप जरुर देख लीजिए । इस में लिखा है, "whoever negligently causes electricity to be wasted or diverted." अब यह कौन तय करेगा कि निग्लीजेंटली किया है। इसी तरह 140 में है, whoever maliciously causes electricity." मैलीसियसली है या नहीं, इस को कौन तय करेगा। इसलिए आप कृपा कर के इन क्लाजेज को जैसा मैंने अमेंडमेंट दिया है, चेंज कर दीजिए । महोदय, मैंने 37 अमेंडमेंट्स दिए हैं और अगर आप इन के बारे में अपनी राय देंगे तो बडी मेहरबानी होगी । फिर बिल पास हो जाए, कोई बाअत नहीं, हम आप के साथ बैठेंगे। आप हमारे साथ बैठकर एक-एक क्लाज के बारे में बाद में भी बोलेंगे तो भी बडी खुशी होगी ।

(उपसभापति पीठासीन हुई)

इन्ही शब्दों के साथ, चैयरमेन साहब औड़ आभ डिप्टी-चैयरमेन आ गयी हैं-मैं आप दोनों का बहुत आभारी हूं कि मुझे मौका दिया और मेरी बात आप ने सुनी । मैं सोचता हूं कि आप जरुर कोई-न-कोई आश्वासन देंगे । धन्यवाद ।

उपसभापति : श्री ललित भाई मेहता-अनुपस्थित । श्रीमती सरोज दुबे।

श्रीमती सरोज दुबे (**बिहार**): मैडम, एक मिनिट।

उपसभापति: सरोज जी, आप बोल रही हैं या मैं दूसरे वक्ता को बुलाऊं ।

श्रीमती सरोज दुबे: अगर आप मेरा नंबर इस के बाद ले लें तो बडी मेहरबानी होगी ।

उपसभापति : आप लोग तैयार नहीं हैं तो कैसे होगा? श्री अश्विनी कुमार ।

SHRI ASHWANI KUMAR (Punjab) : Thank you, Madam Chairperson, for giving me this opportunity to speak on this crucial piece of legislation, which the House today debates. Madam, I believe that when we are debating pieces of legislation of this kind, we are, in fact, not only debating on the edges of history, but are also plunging into the process of history making because I do believe, and believe with all my heart and with all the conviction at my command, that the fundamental premises, which actuates the passing of this legislation or the introduction of this legislation, are unexceptionable. We do need to have a new law in electricity. We do need to have a comprehensive and an integrated Electricity Bill. And, Madam we do need to sub serve the purposes and objectives that have been elaborately spelt out in the aims and objects of the Bill. None can dispute the objectives, and we cannot but accept the painful reality that despite sprouts that the country has made in the field of augmenting our installed capacities, we still have a lot more to achieve. We do know that compared to some of the comparable developing countries like Brazil which has an annual per capita consumption of electricity at 1,783 KWH. India, which is more or less in the same league of development, has a per capita annual consumption of only 350 KWH. Despite the fact that we have progressed from 1,382 MW to 1,00,000 MW capacity, we still need 1,40,ooo MW of additional capacity. We need Rs.8,oo,ooo crores of investment in the electricity sector which, given the present state of public finances and Government resources, is completely impossible, coming from the resources of the Government. So, we, of course, have to look to the private sector investment which may not be forthcoming unless we assure a reasonable rate of return on investment and a degree of certainty and stability in the legal and regulatory regime which would ensure a transparent functioning of the law, a transparent functioning of the Government and a transparent functioning at the level of regulation.

But, Madam, I, today, believe that we have to achieve all these objectives, but we have to achieve them consistent with the other national imperatives. And, what are the other national imperatives? A national imperative is to protect the sensitivities of the States because it is in the States that we need to secure on an enduring basis, the foundation of reform in the electricity sector. Sixty per cent of generation capacity is in the States. Seventy per cent of transmission capacity is in the States. And, one hundred per cent of distribution capacity is in the States. Various State Governments have already initiated the process of reform. Some have entered into sacrosanct contracts. Some are in the process of taking contractual steps initiating contractual arrangements with various investors who have been moved over a period of time and who are now in the final stages of entering the electricity sector. Therefore, I do believe that it is impossible that we send out a signal that would not obscure, dilute or compromise carefully drafted contractual agreements and conditions under which electricity, in the private sector, is being generated, future arrangements for distribution, etc. It also goes to the root of the federal sensitivity because, after all, the State Governments are answerable to the people; the State Governments are concerned at the health of the Electricity Boards. We are going to permit generation, transmission and distribution in the private sector. But please do so consistent with the paramount need to restore the Electricity Boards that they have. If you are going to permit private operators to sell electricty, in a manner, that would disable them from selling to those who are good paying customers -- because they have to subsidise the weaker sections -- then the health of the electricity boards would continue to deteriorate and degenerate. I would, therefore, invite the Minister's attention to some of these concerns. It is in this light, in order to strengthen the foundation of law, we have proposed certain amendments. These amendments are by any account, well-considered amendments; these are amendments that deserve your consideration for acceptance. I would only invite your attention to two or three of such amendments. I have mentioned about the need to change the wording, which pertains to clause 42, which is a provision about open access, and consistent with what I have just stated, I am proposing this amendment to protect, sustain, the contractual obligations in the process of reform, already incurred by various State Governments. For example, we know, Mr. Minister, in Delhi, which was the first State to start and to bring to fruition some of the economic reform measures, we have a five-year protection given to those with whom we have contracted. Now, if your Bill were to enable you, to alter the basis

of those contracts, you would really be derailing economic reform in the electricity sector, which cannot be the purpose of your legislation. And that is the rationale or the genesis which prompted us to suggest those amendments. I have a reservation on clause 27, which pertains to bifurcating the functions of the Central. transmission utility and of the Regional Load Despatch Centres. You have said in your present wording that you will do that, but you have not given a time-frame. Now, we do want to send out a clear signal that we recognise the rationale of the separation. That is why, in my amendment, I have proposed a two-year period, which gives you enough flexibility to take care of the nuances that are necessary to be addressed, while at the same time, conceding the principle that disaggregation *or* separation of the two functions will lend credibility and fairness to the. whole regime. I have accordingly an amendment, which I think would subserve the purposes of the Government wherein I have stated that in clause 61, which spells out the various factors that the regulator must take into consideration in fixing tariffs, he must also take into consideration, as a necessary component of those mandatory considerations, the policy directions issued by the concerned Governments. You have already said that the regulator would be bound by the policy directions. I have sought to include those as one of the conditions in clause 61, and the hon. Minister may kindly take npte of that. I have also, then, argued that clause 135, which talks about draconian powers of search and seizure, needs to be diluted, and I say so with all the conviction at my command, because I believe in a country which is justly proud of its democratic heritage, of its great legacy of fairness in prooedure. I think the blanket powers of entering into the residence of a person and seizing the records on a perceived apprehension of theft of electricity is most certainly liable to be misused and prostituted.

I would, therefore, Mr. Minister, invite your attention to the paramount need for inserting in the interest of civilised power, and of its exercise that necessary safeguards be introduced in that respect. I would hasten to add that this is not a matter of partisan politics, this is not a matter where we are going to settle scores or we are going to score points. But, I would beseech you, in the interest of healthy parliamentary democracy, not to ignore, what has been put to you in the interest of facilitating reforms.

What has been put to you is by way of strengthening the regime that you are about to introduce in a country where electricity and its efficient

use are the prime need of the hour. It is a national imperative. It does not admit of partisan considerations. It is in that context, it is with that spirit and it is in that background, Mr. Minister, that we have raised certain amendments.

I would like to tell you one thing more in conclusion, and that is this. All your reform will come to naught if you do not take pains to ensure that every single provision and decision taken in pursuance to the proposed new Bill is not caught up in courts. What is happening is that every single decision of your regulatory commissions, be they at the State level, be they at the Central level, is being challenged by the utilities of the Government. It is unthinkable, it is unimaginable, it is without precedent in the world, that the utilities owned and sustained by the Central Government are challenging each and every decision of the regulator. So, how do you propose to move further in this crucial area?

Sir, my last submission is this. The challenge is huge. We do not have the luxury of time on our side. Even if you need to think these provisions through once again, a month here, or, two months there, make no difference, because the future of the country is at stake, the future of economic development of the country is at stake and the future of reforms is at stake. Please reflect further on it. There is no point in sitting on prestige." Nobody should be allowed to say, "We have dwelt at length on this. How come what you are suggesting is better than what we, after years of deliberation, have come to?" You can get a ray of hope, or, some valid advice from the lowliest of the low people and from those who, you think, may not be so well-informed; but they have the wisdom of experience behind them. You. are, doubtless, yourself an experienced public man, an experienced politician. Please do defer to the sensitivities of the people; do defer to the priorities of the State; and do defer to what has been stated with all the conviction and the command by my esteemed colleagues and the learned Members of this House. This is too crucial a legislation either to go by default, or, to be compromised to false vanities. The nation can ill-afford such an attitude. And this is a country which, as somebody has said, is unparalleled and unequalled. in its ability to grasp the human purpose and the human power of what is achievable. It is the great pride of this country that despite huge challenges that we face collectively, we have the will and we have the resolve of meeting those challenges; and I would only quote the hon. Deputy Chairperson who, in one of her speeches, said, "Let the national resolve find its voice through this House".

With these words, Madam Deputy Chairperson, I thank you for having given me this opportunity.

SHRI B. J. PANDA (ORISSA): Madam, I would like to thank the hon. Minister for bringing forward this Bill to Parliament. It is a major progressive piece of legislation and, in bringing this Bill, the very good work of his predecessors is being carried forward. In particular, I would like to take the names of two of his predecessors, Shri Suresh Prabhu and Shri Kumaramangalam, who laid the foundation for this energy sector reform that had been going on in the country, and for this most historic and comprehensive Bill. This Bill replaces legislation that existed for almost hundred years, including the stop-and-start efforts of the last decade. This Bill is going to set in place an energy sector that is modem, efficient and suited for the 21 * century.

On behalf of the Biju Janta Dal, as a member of the NDA, we have always supported the Government's progressive policies, but I wish to assert that our support is not blind. I wish to assert that when it comes to this Bill, we do support it, but in a qualified manner. It is not unqualified support, and I wish to spell out what our reservations are, and what we think the Government ought to be doing about it. The energy sector is one of the most major bottlenecks to the country's development. It would not be wrong to say that nothing makes us realise more starkly that we are a Third World country than the condition of our electricity supply. Compare this to what we have achieved in the Green Revolution, today we don't have food shortages. Compare this to what we have achieved in the world of Information Technology, today, India is a leader on the first world terms in Information Technology. But energy, which is the most upstream economic activity is something where we are mired, we are stuck in the third world. The sheer wastage and the theft approaches 50 per cent. The system is deeply flawed. There is a downstream negative multiplier effect which is crippling the economy. On the one hand, we talk about our lack of competitiveness when it comes to opening up of our customs barriers; lowering of our customs tariffs, we have competition from China; we have competition from South America. On the other, we cripple our country with flawed policies on energy which shackles the entire economy. There are anomalies galore. I want to touch on one or two. The issue of cross-subsidies is a major crippling effect on the economy. From my State in Orissa, I would like to cite a stark example. Orissa is one of the most

underdeveloped States in the country. One of its major sources of possible development is the mineral industry. But, what happens, because of the cross-subsidy policies that the industries have to bear; it is actually not cost competitive to do value addition to minerals in Orissa largely. Raw minerals get exported, value addition takes place in other countries. I am not saying that subsidies are not warranted. Subsidies are warranted for the weaker sections of the society. But, subsidies have to be transparent and subsidies have to be fairly borne. To help one weaker section of the society, you don't cripple another section. Subsidies are a tax that ought to be evenly shared by the whole country to aid whichever section that we want to benefit, whether it be farmers or anybody else. But the.se policies are crippling the country; these policies have crippled my State for 55 years. This system of cross-subsidies is nothing short of highway robbery. It is based on the old mentality of scarcity mentality. The whole thinking is, that anybody that is a larger user of energy must subsidise the impoverished users of energy. That is illogical. That is illogical in a free market economy where resources can be mobilised to meet the requirements of putting up energy generation, transmission and distribution facilities. The fundamental challenge for this century, in fact, the fundamental challenge for this generation is to take the Indian GDP growth rate to, at least, eight per cent, if not 10 per cent. If we have to remove poverty, if we have to raise the entire country into a first-world status of standard of living, not just the IT industry, then the GDP growth rate has to go up to eight to ten per cent; otherwise, we will only have islands and pockets of development, regional imbalances will only increase, and this will be a threat to national integration. What is the fundamental flaw that we have in the energy policies, that we have been following and trying to reform, even in these last few years? Despite many States having already taken steps, the fundamental flaw is that we have adopted a system of a single buyer model. A single buyer, transmission company which used to be the State Electricity Boards and now a transmission company in most States, is the single monopoly buyer of electricity and supply it to other distribution companies and consumers. The single buyer model creates a chain of inter-connected monopolies in the supplier of electricity. We have seen this, again, in the State of Orissa. It is unfortunate that despite being a less developed State, Orissa was a pioneer in energy reform. Unfortunately, we also adopted the single buyer model and we are seeing the consequences of it today when because of the inefficiencies of the monopoly single buyer, the entire system still remained mired with very marginal improvement. In this model, there is a complete

absence of choice for the consumer or the producer. The transmission company is not a creditworthy buyer. Therefore, shortages in supply continue and the reduction in tariff or the stabilisation that we expected has not happened. I would like to quote Lasslo Lowaigh, a World Bank expert, who has studied this issue. He says, "The evidence so far suggests that this single buyer model has major disadvantages in developing countries. It invites corruption, weakens payment discipline and imposes large contingent liabilities on the Government. It, in fact, actively stops competition." Article 19 of our Constitution, Madam, recognises the freedom of trade, business and occupation as a Fundamental Right. The suppression of competition simply has no place in this scheme of things. Imposing monopolies is an unacceptable form of Government's interference. A monopoly in an economic situation is like dictatorship in a political situation. We do not stand for dictatorship in this country in the political arena. And we should not. Even our Constitution mandates that we should not stand for suppression of competition in the economic arena. Madam, I would like to cite one or two examples. The Britain's Electricity Act, 1947", nationalised the electricity industry in UK and that is the model that vve followed. India adopted the similar model in 1948, which created these State Electricity Boards, which have not served the purpose, as I have just explained. It did not serve the purpose either in UK. It is not that it has failed in this country. In 1989, UK changed its electricity laws. The Electricity Act of 1989 completely restructured the energy sector model in UK. Now, in 1947, one year after, they changed their model, we followed. But here 15 years have passed and we have not followed. What have we missed out since then? The electricity prices in UK have declined by about 35 per cent in real terms in these last 15 years. And this is largely as a result "of competition and the consequent gains in efficiency and cost. It is high time - - we have already lost 15 years - that we changed out energy sector regulation as well.

I want to make a point, Madam, that even in the Act of 1910, which is the first Electricity Act, that is being repealed by this Bill, clearly had a stipulation that licences being granted to any operator shall not prevent other licencees from coming in. This model, the model of competition, has been well understood for the last 100 years. But it has not been widely implemented throughout the world except in the last 15 years. It is not beginning to get implemented. We should not only learn lessons from other countries in the energy sector, but we should also learn lessons from other sectors in our own country.

Some of my esteemed colleagues have mentioned the telecom and airlines industries. I would like to emphasise that these are actually very good examples to study. It is not just the Green Revolution; it is not just the IT industry that has brought India into the 21^{s1} century. We can all remember that only a few short years ago how difficult it was to get a telephone connection, how difficult it was to get an airline ticket or a reservation. One ought to know people in important places to get these things. But in a few years, it has all changed. What has changed it? Nobody will dispute that it is competition and competition alone which has changed it. During the hearings of the Standing Committee all these things were taken up. I was also a Member of that Committee. Many other hon. Members have also spoken about it today. All these aspects concerning competition such as open access, were introduced. I must express my disappointment that these clauses which were suggested by the Committee, the fundamental ones, have not been incorporated. Many of the suggestions of the Committee have been incorporated. I thank the Minister for that. But some fundamental areas have not been incorporated and this is what I have been emphasising. We have heard, in other discussions outside, that India is different. India's condition is different. We must balance the situation. I disagree. Madam, only a few short minutes ago, in a different context, the hon. Prime Minister has said that we must change the old, tired ways of thinking. That should not apply only to our foreign policy. But, that should apply to our economic policy as well. We have to change the old, tired ways of thinking that India is different and we cannot change. Now, we have to, straightaway, make this Bill properly comprehensive to take us into the 21st Century.

The issue of open access is very simple. The Bill does, actually, provide for it but leaves it open-ended. It provides for the State Regulatory Commissions to take 15 or 20 or 30 years to introduce the open access system. Madam, the Committee recommended that the open access must be not only mandated but a time-frame should be stipulated. I look forward to an assurance from the hon. Minister that that will be incorporated. Time-limit will be mandated in the Bill itself, not in policy or not in rules.

There is an issue of bundled licences. The private parties can have all kinds of operating licences in the same area. Now, we are replicating the old monopoly of the State Electricity Boards in the private sector arena. I come from the private sector. But, I would say something that if we are

bound to have monopolies, we would much rather be better off with the Government monopolies than to have private sector monopolies. The reason given is that we desperately need resources. We cannot limit private investor from investing in any particular area of operation. If they are doing generation, they might as well do distribution because the same players will have the money to invest. If that is so, I accept it. But, at the same time, we must make it very easy, we must provide a level-playing field for second operators to come in so that there is a competition. In this Bill, a crucial recommendation of the Standing Com nittee has been ignored. For the second licensee to be introduced, this B !l lays down certain criteria such as capital adequacy, etc. They are just. But the Bill lays it wide open that the new criteria can be introduced. This is bound to be misused. This is bound to lead to connivance between the existing operators and people making the rules so that new criteria will be introduced which will bar the second operator from coming in and bringing competition which will bring benefits to our country.

The search and seizure and the proposed draconian clauses have been talked about by my eminent colleagues who are very well known lawyers. I do not want to go into any further details except to say that this sort of wording has no place in a piece of legislation which is expected to take us through this century.

SHRI KAPIL SIBAL (Bihar) : Madam, POTA mind set.

SHRI B.J. PANDA: Finally, I would like to make one more comment. One of the proposed amendments is on surcharge on captive power plants when they use the grid. I do support the suggestion made by Shri Sibal that when a captive power plant sells some of its surplus power, it ought to be made to pay the surcharge. I do support it.

In conclusion, I would like to say that amendments on these four issues, which I have raised, have been proposed by Mr. Sibal and by some of my other colleagues and I support them. As I have said earlier, we support this Bill with these qualifications. So, I look forward to an assurance from the hon. Minister that these concerns would be addressed and these amendments would be introduced in the Bill and with that, I thank you once again and support this Bill.

SHRI AIMADUDDIN AHMED KHAN (DURRU) (Rajasthan): Madam Deputy Chairman, I thank you and Mrs. Dubey for giving me this opportunity to speak before her.

Madam, the importance of electricity to the economic, social and political growth of the nation can hardly be overstated. My party and I are, therefore, committed to power sector reforms. Many of the Congress-ruled States are already pursuing power reforms with a sense of urgency and vigour.

As a Member of the Standing Committee on Energy, I had the opportunity to participate in the extensive deliberations on the Electricity Bill in the hope that our efforts would usher in the much needed power reforms.

Unfortunately, the Electricity Bill, in its present form, has shattered that belief. The hope of reliable power supply to the common man at reasonable prices has been belied; and, that is a cause for grave concern for anyone who has national interest at heart.

It may be recalled that the Bill was introduced in the Lok Sabha in August 2001, when it was referred to the Standing Committee of Parliament on Energy for detailed examination. The Committee had 45 MPs from all major political parties, including the ruling coalition. The practice of referring complex Bills to the Standing Committee is based on the need for arriving at a consensus.

In the present case, the Standing Committee examined the Electricity Bill extensively over a period of 15 months. It travelled across the country and heard a large number of stakeholders and experts. We had many reservations on important provisions of the Bill. .The Standing Committee, therefore, made unanimous recommendations on amendments required in the Bill.

The Government has tried to create a smoke screen by giving an impression that most of the recommendations of the Standing Committee, about 80 per cent, have been accepted. The truth, however, is that almost all the critical recommendations have been rejected by the Government. Only clarificatory and / less substantive recommendations have been accepted.

Issues relating to indefinite postponement of open access and competition have already been debated at length by some of my colleagues, who spoke before me. Absence of open access for the next few years, as skillfully engineered by the Government, would ensure continuation of public and private monopolies that will exploit helpless consumers. We are already seeing right here in Delhi, how private monopolies have failed to improve the services, on the one hand; while, a tariff hike seems imminent on the other. Power shortages and increasing tariffs are going to hurt the common man, about whom the present Government does not seem to care.

The other crucial area of concern is the Regulatory Commissions. The problems of power sector will only be compounded by weakening the regulatory structure, which is necessary for attracting the much-needed private investment. It is even more critical for protecting consumer interests. The manner in which provisions relating to Regulatory Commissions have been distorted gives the impression of some evil designs.

At present, there are nine laws that provide for independent regulatory commissions - the Electricity Regulatory Commissions Act, 1998, a Central Act, and eight State Reform Acts. The Electricity Bill contains many strange departures from these existing laws. It also overlooks the recommendations of the Standing Committee.

Clause 121 of the Bill proposes that all the Regulatory Commissions in the States will be placed under the control of the chairperson of the Appellate Tribunal. This means that a single retired judge, who is to be appointed by the Central Government, will control the Chairman and members of all the Electricity Regulatory Commissions in India. This chairperson will be appointed by the Central Government, and if he keeps the Government happy, he can get a second term.

The chain is clear and complete. The political masters at the Centre can now pursue their own agenda through a retired judge in the Appellate Commission. The sordid tale of using retired judges for allotment of petrol pumps could well be repeated in the power sector.

The proposed arrangement would a set a dangerous precedent. Such an arrangement does not exist in any walk of our federal polity. It will

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lead to direct interference in State matters without being accountable. It will also set a dangerous precedent for our federal structure.

Many States that appeared before the Standing Committee raised strong objections relating to the above arrangements. The Standing Committee noted, and I quote, "The provision infringes the independence of the Regulatory Commissions and brings them to a subordinate position". The Committee, therefore, unanimously recommended that clause 121 "may be deleted so far as it extends to superintendence over non-judicial functions of the Commission". Yet, the Government has persisted with clause 121.

Another issue of far-reaching importance is the accountability of the Regulatory Commissions. It is well - known that a democratic framework relies heavily on checks and balances; it relies on the accountability of different organs of the State. In the present case, the Bill proposes to place the Regulatory Commissions beyond any accountability.

These Commissions will make rules and regulations that will affect the common man. These regulations will also affect thousands of crores of rupees investment. The Commissions will have functions relating to regulation, licensing, development and enforcement. These functions will not be open to any scrutiny or accountability even though they will affect every single citizen.

The Committee had forcefully recommended that the Commissions be made accountable to the Parliament and the respective State Assemblies so that interests of the common man could be guarded. It recommended that their programmes of action for the coming year should be placed before the respective Legislatures. Their appearance before Parliamentary and Legislative Committees, in respect of their non-judicial functions, was also recommended.

If things continue to go wrong in this ailing power sector, it should, at/least, be possible to debate them in this highest forum of the people. However, without offering any explanation whatsoever, the Government has rejected this recommendation. Now, Commissions will be accountable to none, and the common man's interests can continue to suffer.

Further, a separate fund outside the Consolidated Fund is proposed to be created for the Regulatory Commissions. Many States opposed this provision and deposed before the Standing -Committee that creating a separate fund will result in lack of transparency and create doubts of financial probity or conduct of the Commission leading to lack of confidence and inviting public criticism. The Committee recommended that the provisions of the ERC Act should continue. Even the Supreme Court and High Courts meet their expenses from the Consolidated Funds.

The Electricity Regulations Commissions Act, 1998, that was passed by the Parliament only five years ago provides such expenses to be met out of the respective Consolidated Funds. Eight State Reform Acts have also made similar provisions. It is beyond logical explanation why the Centre should force the States to create such independent funds when they find the idea as unacceptable. This will profligate expenditure and misuse of public funds, thereby reducing public confidence in the Commissions.

The Standing Committee had recommended that members of Regulatory Commissions should not be eligible for re-employment by the respective State Governments. This is also the provision in nine existing laws. Yet, the Bill permits re-employment by the same State Government. This will compromise the impartiality of these Commissions.

As noted earlier, members of the Appellate Tribunal will be appointed for three years and shall be eligible for re-appointment, thereby compromising their independence.

Under the existing nine laws, members of the Commissions can be removed only by the President or the respective Governors upon enquiry by the Supreme Court or High Court, as the case may be. This Bill provides for their removal by the Union Minister or the Chief Minister, as the case may be, upon enquiry by a retired judge heading the Appellate Tribunal. The Standing Committee, therefore, recommended that "the existing provision as contained in section 7 of the Electricity Regulatory Commissions Act, 1998 may continue and the proposed section 90 of the proposed Bill may be deleted". In this case too, the Government remains unmoved. In order to bring transparency and predictability to the power sector, particularly for private investors, the Standing Committee had suggested that it should be mandatory for the Commission to notify all the required regulations pertaining to the scope of their functions within one year of the

Act coming into force. Accordingly, suitable provisions be made in clauses 79 and 86 of the Bill. This is an important recommendation that would help create a predictable regulatory environment and avoid "case by case' discretionary approach. The Committee's recommendation has been rejected.

The above provisions will tend to make the Commissions less independent and more pliable. The manner in which appointments to these Commissions have been made in the past is already a matter of public criticism. Such Commissions may fail to guard public interest and end up serving vested interests.

Now, I wish to draw the attention of this august House to certain provisions relating to captive generation.

The Bill allows captive generating stations to be set up freely. It also allows them to get open access from day one. We support that in the interest of creating more capacity. However, a new provision that has been introduced by the Government in Lok Sabha is a matter of great concern. It relates to surcharge in lieu of cross-subsidy.

All along, we were told that open access would be accompanied by a surcharge that will be used to protect the tariffs of farmers and small households. Quietly, the captive stations have been exempted from this surcharge. Moreover, the definition of 'captive users' has been expanded to cover user associations and cooperatives. So, virtually every industry will now try to leave the system and go to captive stations.

In my State, Rajasthan, if only 200 consumers walk out, the loss of revenue will be Rs. 1,200 crores out of a total revenue of Rs. 4800 crores. This will mean a sharp rise in the tariffs of farmers and small consumers. We in the Congress Party will never accept this. The ruling party at the Centre may have no concern for the farmers and the common man; as they are only interested in the moneyed classes. But our party has been voted to power in 15 States because we care for the people. It is, therefore, our demand that surcharge in lieu of cross subsidies should also be levied on the captive stations, so that tariff hikes for the common man can be averted. We cannot accept anti-people policies.

Now, I wish to draw your attention to the proposed subjugation of States by the Centre. This is a matter of utmost concern to the Rajya Sabha, which is the Council of States.

The Bill will supersede the State Reform Acts. Several State Governments such as Himachal Pradesh, Goa, Uttar Pradesh, Madhya Pradesh, Karnataka, Delhi and Rajasthan stoutly opposed this step. The CII stated that the current reform programmes of States need to be preserved, for three to five years.

The Standing Committee had stated, and, I quote, "Keeping in view the federal structure of our polity, it would be appropriate that States are given enough flexibility to decide for themselves. Striking down any provision of State Acts, which is inconsistent with the Central Legislation, may jeopardise and even derail the power sector reforms in the States concerned and pose serious practical problems. The Committee, therefore, desires that a harmonious balance between the Central Legislation and State Reform Acts be struck."

The Standing Committee's recommendations has been rejected. The ruling party at the Centre failed to capture political power; it is now bent upon capturing electric power from the States.

To sum up, the heart of reform lies in the introduction of competition and choice. It also lies in fair and independent regulation necessary for protecting consumer interests. In the absence of competition and independent regulation, it is inevitable that power shortages and high tariff would impose a strain on the economy.

Since all the recommendations of the Standing Committee on these crucial aspects have been rejected, private monopolies will be perpetuated and consumer interests bartered. The fate of power reforms thus hangs in balance. In any case, rejection of the recommendations of an all-party Standing Committee does not augur well for parliamentary democracy.

While I fully support power reforms and also the Electricity Bill, I urge upon the Government that it should be enacted only after incorporating the amendments that have been moved by my colleagues and me. Thank you, Madam.

श्रीमती सरोज दुबे: माननीय उपसभापति महोदया, यह एक बहुत ही महत्वपूर्ण विधेयक है क्योंक तमाम सुझावों, सिफारिशों इसमें समावेश किया गया है। इसके बावजूद भी इसमें संशोधनों की बाढ़ आ गई थी । महोदया, 1910 का इलेक्ट्रिसिटी बिल, 1948 का भारतीय विद्युत कानून , 1998 का रेगुलेटरी कमीशन एक्ट, इन सबको मिलाकर एक मिलाजुला रुप इस बिल के माध्यम से लाने की एक कोशिश की गई है, लेकिन जिस तरह से इसमें संशोधन और सुझाव आ रहे हैं, उससे यह लगता है कि यह बहुत बेलेन्स्ड, बहुत संतुलित विधेयक नहीं बन पाया है और इसमें अभी बहुत सुधार की गुजाइश है। मैं आपको इसलिए जरुर बधाई देना चाहूंगी कि कम से कम मिनिस्टरी ने अपनी कमियों को स्वीकार किया और सुधार की ओर एक कदम उठाया है और सुधार के कदम का हमेशा स्वागत होना चाहिए ।

महोदया, आधुनिक युग में बिजली विकास की धुरी है, प्रगति की जीवन-रेखा बन गई है । आज यह बिजली गरीब की झोपडी से लेकर राजमहल तक के लिए एक बुनियादी जरुरत बन गई है । आज से तीन वर्ष पहले न्यूयार्क में एक बार पांच मिनट के लिए बिजली चली गई थी तो पूरा शहर थम सा गया था क्योंकि वहां पर विकास का बुनियादी ढांचा बिजली पर टिका हुआ है। हमारे देश में भी बिजली का उतना ही महत्व है, लेकिन स्थिति यह है कि बिजली जब चाहे चली जाती है, उसके जाने का कोई समय नहीं है, न उसके आने का कोई समय है । गांव में तो किसी की कोई जिम्मेदारी नहीं है। गांव में आज इलेक्ट्रिफिकेशन कोई लग्जरी नहीं है बल्कि वहां की एक नेसेसिटी है क्योंकि सिंचाई तक उसी पर निर्भर करती है । आज तो गांवों में बिजली का बहुत बुरा हाल है, अगर वहां फसल भी सूख जाए, तो भी उसकी जिम्मेदारी किसी की भी नहीं है। बड़े-बड़े बिजली के पोल गांवो में खड़े हुए हैं क्योंकि कभी-कभी राजनैतिक प्रेशर में पोल तो डलवा दिए जाते हैं, लेकिन उनमें कनेक्शन नहीं दिए जाते और आंकड़े प्रस्तुत कर दिए जाते हैं, जिससे लगता है कि हिन्दुस्तान के सारे गांवो में इलेक्ट्रिकेशन हो गया है । अगर किसी गांव में एक पोल गाड़ दिया,एक बल्ब लटका दिया तो नोट कर लिया जाता है कि बिजली का पूरा प्रबंध कर लिया गया है ।

महोदया, आज भी आजादी के पचास साल बाद भी करीब 80 हजार गांव अंधकार में डूबे हुए हैं। यह तो सरकरी आंकड़ा है। इस सरकारी आंकड़े के अलावा भी तमाम ऐसे गांव हैं, जहां बिजली की रोशनी की एक किरण तक नहीं पहुंची है और जहां बिजली है भी, मगर जैसा मैंने बताया कि पोल तो गड़ा हुआ है, लेकिन कनेक्शन नहीं है । जिन गांवों में अगर बिजली है तो 12-12 घंटे तक बिजली नहीं होती, गांव का किसान बैठा हुआ बिजली का इंतजार करता रहता है, विद्यार्थी भी बैठा इंतजार करता है कि बिजली आए तो वह पढ़े। कहीं कोई ठीक व्यवस्था नहीं है । इसलिए मुझे यह कहने के लिए विवश होना पड़ता है कि-

कहां तो तय था चिराग हर घर के लिए,
कहां चिराग मय्यसर नहीं है शहर के लिए ।

महोदय, जो बातें तय की गई थीं 1910 में, 1948 में इस देश के लिए, लेकिन आज वही देश फिर एक बार अंधकार में डूब रहा है । गर्मी में बुरा हाल है । आज दिल्ली में ही बिजली की आंख-मिचौली हो रही है । हम लोग, संसद सदस्य, जो वीवीआई पी क्षेत्र में रहते हैं, हमारे यहां भी बिजली रोज कट रही है, जब मन होता है बिजली चली जाती है और अगर एक एअर-

कंडीशनर भी चल जाए तो सारे घर में बिजली एक डिबरी जैसी जलती है। यह सारी अव्यवस्थाएं आज मौजूद हैं। स्टेंडिंग कमेटी ने छानबीन की थी और सुविधाओं के आधार पर सिफारिशें की थी कि किस तरह से यह विधेयक आए । यह विधेयक आया, लेकिन इसमें कई बातें हमारे माननीय सांसदों ने उठाई और इसलिए मैं यह कहना चाहती हूँ कि यह एक बेलेन्स्ड विधेयक नहीं है। बिजली संकट इस विधेयक से हल हो पाएगा या नहीं, यह कह पाना मुश्किल है। जैसा हम सभी लोग जानते हैं, बिजली के चार हिस्से होते हैं-जनरेशन, ट्रांसमिशन, डिस्ट्रीब्यूशन और इलेक्ट्रीफिकेशन । इन चारों में रिफोर्म के लिए सरकार को कदम उठाने होंगे। रिफोर्म का मतलब यह है कि पुरानी जो तकनीक है उनको छोड़कर नई तकनीक को अपनाना होगा । हमारा भारत देश गांवों का देश है और इसलिए मैं यह जानना चाहूंगी कि इस रिफोर्स से क्या एक कॉमन आदमी को, गांव के आदमी को फायदा हो सकेगा? क्या कॉटेज इंडस्ट्री को फायदा हो सकेगा? आपकी विद्युत की जो अनियमितता है, उसके कारण तमाम उद्योग-धंधे ठप्प हो गए हैं, हैंडलूम वालों के करधे बंद हो रहे हैं, तमाम स्मॉल स्केल इंडस्ट्री बंद हो रही है, लोगों को बहुत परेशानी है। इसलिए आपका यह विधेयक कितना सुधार ला पाएगा, इसका कुछ अंदाज नहीं पा रहा है । 2012 तक देश में एक लाख मैगावाट अतिरिक्त बिजली क्षमता हमारे पास होनी चाहिए । एक मैगावाट पर अगर लगभग चार करोड़ रुपए खर्च होते हैं तो एक लाख मैगावाट पर चार लाख करोड़ रुपए खर्च होंगे। जेनरेशन पर अलग दो लाख करोड़ खर्च होंगे। ट्रांसमिशन और इलेक्ट्रिफिकेशन पर भी करोड़ो रुपए खर्च होने हैं इसलिए आप यह कह देंगे कि पैसा कहां से आएगा। मेरे विचार से यह निजीकरण की भूमिका बन रही है । क्योंकि पैसे का अभाव होगा, तुंरत सरकार चिल्लाने लगेगी कि निजी लोगों को आमंत्रित किया जाए और जब निजीकरण होगा तो उसके बाद तो गरीब जनता का हाल बेहाल हो जाएगा। दिल्ली में जब से निजीकरण हुआ है तो देखने में आ रहा है कि निजीकरण वाले उपकरणों का पैसा खर्च नहीं कर रहे । दिल्ली में सुधार की अब तक कोई गुंजाइश नहीं दिखी है । निजीकरण केवल अपने लाभ के लिए आता है, उसका जन-मानस से कोई लेना देना नहीं होता । सरकारी अधिकारी तो भी किसी तरह से डरता है, लेकिन निजीकरण के लोगों को हमसे कुछ लेना-देना नहीं होगा और गर्मी आते ही लोगों को परेशानी शुरु हो जाएगी ।

महोदय, जितनी विद्युत परिषदें हैं, वे सब कर्ज में डूबी हुई हैं, उनके पास कर्मचारियों का वेतन देने का भी पैसा नहीं है और जो सूत्र हैं वे बताते हैं कि लगभग बीस हजार करोड़ रुपए का घाटा राज्य विद्युत बोर्डो का है । यह घाटा देश की जनता को ही उठाना पड़ता है । बिजली की चोरी इसका मुख्य कारण है। बड़े-बड़े उद्योग बिजली की चोरी कर रहे हैं और विद्युत परिषद के अधिकारी और उद्योगपति मिलकर सब गड़बड़ कर रहे हैं । बिजली की पूरी आपूर्ति उनको मिल रही है, उन पर करोड़ो रुपए का बकाया है लेकिन उनसे कोई वसूली नहीं करता है। अगर एक बार उद्योगपतियों के बिजली के बिल देख लिए जाएं और उनकी बिजली काट दी जाए तो आपकी जो विद्युत परिषदें कर्ज में डूबी हुई हैं, वे कर्ज मुक्त हो जाएं । लेकिन ऎसा नहीं किया जाता क्योंकि जिसकी लाठी, उसकी भैंस । बड़े-बड़े उद्योगपति इनको अपने साथ मिलाकर अपना काम निकालते रहते हैं और उसी का नतीजा यह है कि हमारे यहां विद्युत आपूर्ति नियमित नहीं हो पा रही है । जो व्यक्ति नियम से मीटर लगाकर बिजली जलाना चाहते हैं, उनको बिजली नहीं मिलती है लेकिन जो बीच में कटिया मारकर बिजली ले रहे हैं, वे मजे से बिजली का आनन्द उठा रहे हैं । इसके कारण जो बिजली पर अतिअरिक्त भार पड़ता है, इसक

नतीजा यह होता है कि आम उपभोक्ता बहुत परेशान हो जाता है। इन हानियों को कैसे रोका जाए, इस बारे में इस विधेयक में कोई विशेष प्रावधान नहीं रखा गया है। इसलिए मैं जानना चाहती हूं कि राज्य विद्युत बोर्ड जिस तरह के कार्य कर रहे हैं, इनको रोकने के लिए इसमें क्या प्रावधान है? सबसे बडी बात मांग और आपुर्ति की है। मांग बिजली की कितनी है उसका कोई अनुमान नहीं है और उसकी आपूर्ति नियमित किसलिए की जाए, इसके लिए किसी की कोई जिम्मेदारी नहीं है और इसका खामियाजा गांव की जनता भुगत रही है । एक तरफ हम उदारीकरण और वैशवीकर के युग में है, खेती में कम्पिटीशन चल रहा है कि हमें विश्व में अपने आपको ऊपर उठाना है और दूसरी तरफ हमारी जो बुनियादी जरुरत है, जिसके आधार पर सारा विकास टिका है, उस बिजली की हम आपूर्ति नहीं कर पा रहे हैं।

पन-बिजली की बहुत ज्यादा उपेक्षा हुई है। अगर पन-बिजली को भी हम ध्यान में रखें तो शायद समस्या का कुछ समाधान हो । इसका प्रतिशत कम से कम 60 और 40 का होना चाहिए। नार्थ-ईस्ट में हिमालय-से आने वाली नदियों पर और बिहार में कोसी नदी पर लगभग 3800 मैगावाट बिजली पैदा हो सकती है, लेकिन उस पर कोई ध्यान नहीं दे रहा है । इसी तरह से लुंठक में बागमती पर, नारायण घाट में और गंडक के ऊपर और सरयू नदी पर भी पन-बिजली पैदा हो सकती है, लेकिन इस तरफ किसी का कोई ध्यान ही नहीं है। केवल विधेयक लाने से कुछ नहीं होगा, जरुरत है कि एक व्यापक विहंगम दृष्टि से इस तरफ ध्यान दिया जाए । व्यापक विहंगम दृष्टि हो कि हमको कितनी बिजली चाहिए, किस कोने से हमको ज्यादा से ज्यादा बिजली आ सकती है, किस तरह से उसकी आपूर्ति करे, किस तरह से उसकी चोरी रोकें, किस तरह से उसके बिल वसूलें, तब जाकर हम इस समस्या का समाधान कर सकते हैं। केवल विधेयक से कुछ नहीं होगा। चार-पांच विधेयक आए थे, अब आपने सबका मिलाकर अवलेह बना दिया। नतीजा यह है कि हम जहां थे, वहीं रह गए । इसलिए बिजली के बारे में इन सब बातों पर भी ध्यान दिए जाने की जरुरत है ।

विधेयक में प्रावधान है ऍपिलेट ट्राइब्यूनल के मुखिया का । एक रिटायर्ड जज होगा। अभी हमारे माननीय सांसद ने भी इस पर अपने कुछ विचार व्यक्त किए और एक रेगुलेट्री बॉडी होगी और उसमें भी शायद रिटायर्ड जज ही होंगे। मैं जानना चाहती हूं कि ऍसा क्यों? इसका अध्यक्ष ऍसे व्यक्ति को बनाना चाहिए जिसको कोई व्यावहारिक अनुभव हो ,जो इसके बारे में जानता हो कि किस प्रकार से बिजली की आपूर्ति होगी, किस प्रकार से नियमितता होगी , किस प्रकार से वसूली होगी । उसे इनके बारे में जानकारी होनी चाहिए । जज का मतलब होता है रिज़र्व आदमी, जिसको आम लोगों की प्रॉब्लम से कुछ लेना-देना नहीं हैं, अगर उसको आप इस जगह पर बिठा देंगे तो उसका क्या हश्र होगा? तमाम जनप्रतिनिधि हैं, तमाम लोग हैं जिनको इसके बारे में जानकारी है, जो इसके बारे में दखल रखते हैं, उनको अगर इस जगह पर बिठाया जाए तो शायद समस्या का कुछ समाधान हो सकता है। जैसे इलेक्शन कमीशन में पहले एक इलेक्शन कमिश्नर हुआ करता था, उसका क्या हश्र हुआ ? उसमें कोई सुधार नहीं हुआ। फिर CVC में क्या हुआ? SEBI में एक ही व्यक्ति रेगुलेटर था, क्या हुआ? तहलका मच गया, तमाम भ्रष्टाचार हुए। फिर आपने एक ही व्यक्ति के हाथ में इतनी बडी पावर दे दी, क्या आप दूसरा स्कैम कराना चाहते हैं? वह काम नहीं कर सकता । जिस व्यक्ति को व्यावहारिक अनुभव नहीं है, वह कैसे काम कर सकता है? इसलिए पिछले इतिहास से हमको सबक लेना चाहिए कि एक

व्यक्ति के हाथ में तमाम पावर्स हमको निहित नहीं करनी चाहिए। इससे उसकी क्षमता पर भी प्रभाव पड़ता है। इसमें और भी तमाम बातें हैं। चूंकि आपने जज का नाम लिया है, इसलिए मैं इस पर ज्यादा कुछ कहना नहीं चाहती हूं। वे भी इंसान हैं, वे संभाल नहीं पाएंगे। इसलिए मेरा आपसे अनुरोध है कि आप इसमें नॉन-जुडिशियल व्यक्तियों को रखिए, व्यावहारिक लोगों को रखिए ताकि...(**व्यवधान**)...

प्रो. रामबख्श सिंह वर्मा (उत्तर प्रदेश): आप उनके बारे में ज्यादा जानती हैं।

श्रीमती सरोज दुबे: सभी जानते हैं। कौन नहीं जानता है? आजकल जो जरा भी intellectual होता है, जो पढता-लिखता है, वह सबके बारे में जानता है ।

महोदया, बिजली की ये सारी समस्याएं हैं. अब मैं बिहार की ओर माननीय मंत्री जी का ध्यान आकर्षित करना चाहती हूं। मुजफ्फरपुर में 220 मैगावाट का धर्मल पावर यूनिट बराबर बंद रहता है। राज्य सरकार और बिजली बोर्ड इससे सहमत हैं कि इसको NTPC को दे दिया जाए और NTPC उसको ले ले ताकि उसका कार्य सुचारु रुप से चलने लगे । बिहार में 400 मैगावाट के प्रोजेक्ट के लिए 2,000 करोड़ रुपए निवेश करने होंगे लेकिन हर स्टेट की तरह बिहार की आर्थिक स्थिति भी इतनी अच्छी नहीं है कि वह इतने ज्यादा रुपए का निवेश कर सके। इस धनराशि को जुटाना बिहार सरकार और राज्य बिजली बोर्ड के बस की बात नहीं है इसलिए NTPC को इसे देकर जनरेशन की स्थिति में सुधार करना चाहिए । राज्य सरकार और बिजली बोर्ड इससे सहमत हो गए हैं। अब अगर आप लोग इस पर ध्यान देंगे तो बिहार की बिजली की समस्या हल हो सकती है लेकिन उधर आप लोगों का ध्यान जाता ही नहीं है ।

महोदया, ट्रासंमिशन के लिए भी गोरखपुर से मुजफ्फरपुर होते हुए गुवहाटी तक 400 किलोवाट लाइन का प्रस्ताव मंजूर है। इस काम को करने में समय लगेगा। इसलिए इसको प्राथमिकता देनी चाहिए। लेकिन इसकी भी कोई सुनवाई नहीं है। आप इसे प्राथमिकता नहीं दे रहे हैं। अगले महीने से पानी बरसने लगेगा तो आपको एक बहाना मिल जाएगा कि पानी बरस रहा है। एक-एक प्रस्ताव का क्रियान्वयन करने में सालों लग जाते हैं। अगर अभी से काम नहीं होगा तो कुछ दिनों बात तो बिहार को अंधकार में डूब जाना पड़ेगा। इसी प्रकार फरक्का से बिहारशरीफ होते हुए 400 किलोवाट की लाइन मंजूर हो चुकी है। सब-डिस्ट्रीब्यूशन वाला काम होना है और उस पर खर्च भी होना है लेकिन यह काम अभी तक शुरु नहीं हुआ है। फाइनेंस डिपार्टमेंट और योजना आयोग ने कहा था कि इस पर 375 करोड़ रुपए खर्च होंगे लेकिन अभी तक यह काम आरंभ नहीं हुआ है। वित्त मंत्री जी कहते हैं कि उन्होंने इसे कैबिनेट में भेज दिया है, पहले कैबिनेट में जाएगा, फिर पास करेंगे । मेरा सरकार से अनुरोध है कि यह एक अत्यंत आवश्यक प्रस्ताव है, इसको आप कृपा करके कैबिनेट में भेज दीजिए और इसमें विशेष रुचि लेकर कैबिनेट से पास करा दीजिए ताकि यह काम हो सके और सब-ट्रांसमिशन योजना का क्रियान्वयन हो सके ।

महोदया, एक तेलूघाट परियोजना है। तेलूघाट परियोजना का निगम बना । उसका ऑफिस पटना में है, यह झारखंड में चला गया रिआर्गनाइजेशन एक्ट के हिसाब से बिहार की

जो हिस्सेदारी इसमें होनी चाहिए थी, वह उसको नहीं मिली। गृह विभाग के निर्देश पर एकतरफा फैसला हो गया । बिजली विभाग ने उसे कैसे मंजूरी दे दी पता नहीं। इसमें बिहार के साथ बड़ा अन्याय हुआ है। तेलूघाट निगम और DVC में बिहार की पूंजी लगी हुई है। कैसे बिहार को आपने इससे वंचित कर दिया? अगर हमारी पूंजी उसमें लगी है तो रिआर्गनाइजेशन एक्ट के तहत उसमें हमारी हिस्सेदारी होनी चाहिए। हमारी हिस्सेदारी क्यों काटी गई? क्यों उस पर विचार नहीं किया जा रहा है? आप बिहार के साथ इतना सौतेला व्यवहार मत करिए क्योंकि बिहार का उसमें पैसा लगा है। बिहार को भी उसमें हिस्सेदारी दी जानी चाहिए। यह एक नियम होना चाहे कि जिसका पैसा लगे, उसकी उसमें हिस्सेदारी होनी ही चाहिए । तो मैम इन शब्दों के साथ माननीय मंत्री जी से निवेदन करुंगी कि विद्युत समस्या बहुत भारी समस्या है। इतने से विधेयक से हालांकि इसमें आपने तमाम मीडिया , तमाम लोगों के द्वारा प्रचार करके सुझाव लिए और उनमें से कुछ सुझावों को ग्रहण किया, कुछ रिजेक्ट कर दिए और अभी जो तमाम संशोधन आए हैं उन तमाम सारी बातों पर विहगंम दृष्टि से विचार करें और जो ऐतराज उठाए गए है और अगर सही मायनों में इसका क्रियान्वयन करना है तो उनको भी इसमें शामिल करें ताकि यह पूरे तौर पर एक महत्वपूर्ण विधेयक बने और बिजली क्षेत्र जो हमारे विकास कि रेखा है, जो उद्योगों की जननी है, जो विकास की प्रगति के मार्ग पर चलने का हमारा मार्ग प्रशस्त करती है उस विद्युत विधेयक में सुधार हो सकें। पूंजीपतियों के बिलों की आप वसूली करिए। क्यों नहीं उनसे वसूली करते हैं? अगर गरीब किसान सौ रुपए का भी बिल नहीं देगा तो जेल में डाल दिया जाता है लेकिन अगर बड़ा आदमी पैसा नहीं देगा तो उसको टाल दिया जाता है। तो इस भारी अन्याय को तथा यह जो गरीबी और अमीरी का अतंर है, किसान आपके देश की रिढ है उसको आप संभालिए ताकि जो विश्व में कम्पटीशन हो रहा है वैश्वीकरण में उसमें हम सब भी उस प्रगति में आ सकें । आपने हमें ग्लोबल मार्केट में डाल दिया, वैश्वीकरण की मार्केट में डल दिया पर हमारी कोई तैयारी नहीं हुई जबकि बाकी देश वैश्वीकरण की दौड़ में शामिल होने के लिए बडी तैयारी के साथ, विज्ञापन के साथ आ रहे हैं और हम जैसे निहत्थे, हमारे किसान, हमारे उद्योगपति, निहत्थे उनके सामने छोड़ दिए गए ताकि वे इनके ऊपर बिल्कुल हावी हो जाएं। इसलिए मैं आपके माध्यम से अनुरोध करना चाहती हूं कि इस विधेयक पर अच्छी तरह से विचार करें। इसका लक्ष्य सुधार होना चाहिए जिससे कि जन आकांक्षाओं की पुर्ति हो सके, खास तौर पर किसानों की, उधोगपतियों की ओर साथ ही साथ विद्यार्थियों की भी पूर्ति हो सके क्योंकि हर दूसरे दिन पेपर होने वाला होता है, तब बिजली चली जाती है, बड़े दुख की बात होती है। मैडम, हम लोगों के यहां-वी0वी0आई0पी0 एरिया में भी बिजली नहीं आती है। कभी सुबह बोलना होता है तो पता लगा रात को बिजली चली गई और आ भी रही है तो टिमाटिमाने जैसी होती है। लोग कहते हैं कि आप तो वी0वी0आई0पी0 एरिया में है, तो क्या आपके यहां भी बिजली नहीं है। बिजली गई तो पानी गया। हम लाचार जैसे बैठे रहते हैं। किसी से अपना दुखड़ा बयान भी नहीं कर सकते कि हम किस दुख में है। क्योंकि इस तरह से लोग हम एम0पीज0 पर हंसते हैं। मेरा आपसे एक निवेदन है कि इस विधेयक पर विचार कर लें, क्योंकि हम लोगों को बडी उम्मीद थी कि यह चलेगा। इसलिए कहा गया था कि "हमने तो चिराग जलाए थे उजाले के लिए, यह अंधेरे कहां से उमड़ पड़े" । प्रधान मंत्री जी ने एक कविता लिखी है कि –भरी दुपहरिया में अंधियारा दिखता है। तो आप भरी दुपहरिया में भी अंधियारा दूर करें और रात के अंधेरे में भी अंधियारा दूर करें और इस विधेयक को आप आगे बढ़ाएं ताकि देश की समस्याओं का समाधान हो सके ।

THE DEPUTY CHAIRMAN : I have other speakers also.

श्री बालकवि बैरागी (मध्य प्रदेश)**:** ये खत्म करना चाहती हैं पर चन्द्रकला जी खत्म नहीं करने दे रही हैं ।

THE DEPUTY CHAIRMAN : You are not the only one. There are three or four speakers more.

श्रीमती सरोज दुबेः महोदया, आपने मुझे समय दिया इसके लिए मैं आपको धन्यवाद देती हूं । फिर कहे देती हूं कि- हमने तो चिराग जलाए थे उजाले के लिए, यह अंधेरे कहां से उमड़ पड़े। इन शब्दों के साथ कि बिद्युत विधेयक का सुधार करके आप इसको लाएं । धन्यवाद

THE DEPUTY CHAIRMAN: Then, we have the reply of the Minister too.

SHRI A. VIJAYA RAGHAVAN (Kerala) : Madam, how long will it go?

THE DEPUTY CHAIRMAN: I do not know. At 2.30, we have to start the Private Members' Business. *...(Interruptions)...* We have to take up the Private Members' Business.

SHRI A. VIJAYA RAGHAVAN: Madam, when are we going to pass this Bill?

THE DEPUTY CHAIRMAN: At 5 o'clock. *...{Interruptions)...*

SHRI A. VIJAYA RAGHAVAN: It has to be made clear whether it is going to be taken up at 5 o'clock or on Monday?

THE DEPUTY CHAIRMAN: It is for the House to decide. I am agreeable to sitting after 5 o'clock. We can take it up today. It is up to all of you.

SHRI'A. VIJAYA RAGHAVAN: Why can't it be taken up on Monday? What is the hurry?

SHRI SANTOSH BAGRODIA: Madam, let us decide it now.

THE DEPUTY CHAIRMAN: This is what I am saying, before I call the Private Members' Business.

THE MINISTER OF POWER (SHRI ANANT GANGARAM GEETE) : At 5 o'clock.

SHRI SANTOSH BAGRODIA: It is not possible, Sir. There are three speakers. Then, the Minister is to reply. It is a very long process. There are so many amendments.

THE DEPUTY CHAIRMAN: There *are* three speakers *more.*

SHRI SANTOSH BAGRODIA: So, *let* us do *it on Monday* at *12* o'clock, Sir. No problem. It just can't be done today.

SHRI JIBON ROY (West Bengal) : And the Minister requires some publicity also!

SHRI SANTOSH BAGRODIA: Yes, he requires publicity. He can also go through the speeches made by the Members and give a reply on Monday.

THE DEPUTY CHAIRMAN: You are giving that publicity in plenty by not being in *the* House.

SHRI SANTOSH BAGRODIA: We want to know your decision, Madam.

THE DEPUTY CHAIRMAN: It is not my decision; it is the House's decision.

श्री अनन्त गंगाराम गीतेः प्राइवेट मैंबर्स बिज़िनेस के बाद आप पांच बजे इस बिल को ले लें और आज इसे पारित कर दें।

श्री संतोष बागडोदिया : आज नहीं।

उपसभापतिः मंत्री जी कह रहे हैं कि पांच बजे ले लें।

SHRI SANTOSH BAGRODIA: No, *not today. It won't* be possible. We will have to sit ... *(Interruptions)...*

THE DEPUTY CHAIRMAN: Why is it not possible? We can sit at 5 o'clock and, at least, complete the speeches and then the Minister's reply.

SHRI SANTOSH BAGRODIA: But. there will be no passing of the Bill today.

THE DEPUTY CHAIRMAN: In any case, many a time, when there were not many Members in the House, all of you came, and sat through the speeches.

SHRI A. VIJAYA RAGHAVAN: Madam, day before yesterday, we sat here till 5 o'clock, but nobody knows when it is going to be passed. What is the hurry?

श्री अनन्त गंगाराम गीते: मैं सदन से प्रार्थना करना चाहूंगा कि प्राइवेट मैंबर्स बिल जो ढाई घंटे का है, इसमें से यदि एक घंटा कम किया जाए तो यह बिल भी पारित हो सकता और प्राइवेट मैंबर्स बिज़िनेस भी हो सकता है ।

उपसभापति : तब भी नहीं होगा । अमैंडमेंड्स को पास करने में ही एक घंटा लग जाएगा।

श्री अनन्त गंगाराम गीते: पांच बजे के बाद ले लीजिए ।

श्री जीवन राय : अगर आज करेंगे तो एक-एक अमैंडमेंट में एक-एक डिवीज़न होगा। सोमवार को करेंग़े तो ...

श्री संतोष बागडोदिया: आप चाहते हैं कि हम इसे ...(**व्यवधान**)... और आप हमारे साथ जबर्दस्ती भी कर रहे हैं ।

श्री अनन्त गंगाराम गीते: हम जबर्दस्ती नहीं कर रहे हैं।

श्री संतोष बागडोदिया: हम तो आपको हाथ जोड़कर बोल रहे हैं कि आज मत करिए ।

THE DEPUTY CHAIRMAN: Let the Parliamentary Affair Minister also reply.

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI O. RAJAGOPAL): Now there are three or four speakers. Let us finish with these speakers and then the Minister's reply and voting, etc. can be done on Monday. I think, this can be done.

THE DEPUTY CHAIRMAN: Minister's reply also on Monday?

SHRI O. RAJAGOPAL: Yes, Madam.

THE DEPUTY CHAIRMAN: Both, reply and voting?

SHRI O. RAJAGOPAL: Yes, Madam, reply and voting and whatever it is.

THE DEPUTY CHAIRMAN: If the House so agrees, now I stop this discussion till 5 o'clock *...(Interruptions)...* No, we have Private Members' Business.

SHRI O. RAJAGOPAL: Madam, these three or four speakers' speeches can be completed and then we can take up Private Members' Business (Resolutions). *...(Interruptions)...*

THE DEPUTY CHAIRMAN: Mr. Bagrodia, why are you not agreeing to it? It's a Private Members' Business. Let it go on. आपका बिजिनेस है, उनका रेजोल्यूशन है।

SHRI 0. RAJAGOPAL: That can be taken up after this. Time can be made available. There is no problem. ...(/nferriypf/'ons)...Then these people will have to wait till 5 o'clock.

THE DEPUTY CHAIRMAN: Even if they are not there, we will take it up. *...(Interruptions)...*

SHRI O. RAJAGOPAL: My point is, at least, the discussion should be completed today.

THE DEPUTY CHAIRMAN: Yes, I wanted it day before yesterday. The discussion should be over. चलिए, अब बोलिए Private Members.

SHRI A. VIJAYA RAGHAVAN: What is the final decision, Madam?

THE DEPUTY CHAIRMAN: I will read out the name. I have Mr. Isam Singh, who is not present in the House. Mr. Bargohain and Mr. Abani Roy and Mr. Ramachandraiah are the three speakers. After finishing the

Private Members' Business at 5 o'clock, we will ask these three speakers to speak. On Monday, there will be the reply of the Minister and then the passing of the Bill. Okay, is that agreeable to everybody?

SOME HON. MEMBERS: Agreed, Madam.

PRIVATE MEMBERS' RESOLUTION

Wide - ranging reforms in judiciary

PROF. SAIF-UD-DIN SOZ (Jammu and Kashmir): -Madam, I beg to move the following Resolution:-

> "That this House resolves to call upon the Government to ensure wide-ranging reforms in the judiciary so that among other things selection of Judges on the basis of merit and competence is fully assured and a good mechanism is devised to ensure accountability of Judges and no room is left for corruption in the judicial system of the country."

[THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) in the Chair.]

Sir, the Press is agog with stories today that the judicial system has fallen to this level of criticism. When such eminent legal luminaries like Shri Kapil Sibal, Arun Jaitleyji and Mr. Anand and others are there, it is very difficult for me, because I am not a legal luminary, to speak on this very important question. But, to this august House and particularly to the hon. Law Minister and other luminaries here, I want to explain how common people in India think about the Judiciary. The Press, as I said, is full of stories on what the legal luminaries have said on Justice Mukherjee having been given in to custody to the CBI for seven days. Many people, including Shri Sibal and others, have said that it is a shame on the judiciary. But I say it is a shame on the whole nation that a judge should stoop to this level of corruption, including moral turpitude. We should bow our heads in shame that we have a system that is rotten, and we cannot produce competent and honest judges, it is a reflection on the whole process of